Virginia Stationary Source Operating Permit (Title V)

Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-305 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Permit Number	Effective Date	Expiration Date
NVRO- 70248	April 14, 2000	April 14, 2005

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Motiva Enterprises LLC
Mailing Address:	3800 Pickett Road Fairfax, Virginia 22031
Facility Name:	Motiva Enterprises LLC
DEQ Registration Number:	70248
Facility Location:	3800 Pickett Road Fairfax, Virginia 22031

Permit Issued this 14th day of April, 2000

Dennis H. Treacy, Director
Department of Environmental Quality

Attachments: Table of Contents, 3 pages
Permit Conditions, 20 pages

Motiva Enterprises LLC
Title V Operating Permit
Table of Contents

I. Facility Information

Permittee
Motiva Enterprises LLC
3800 Pickett Road
Fairfax, Virginia 22031

Facility
Motiva Enterprises LLC
3800 Pickett Road
Fairfax, Virginia 22031

Responsible Official
Tom Bruns
Area Operations Manager
(540) 425-4000

Contact person
Jil Norman
Sr. Field Environmental Specialist
(615) 350-7077

AIRS Identification Number: 51-059-0069

Facility Description
SIC Code: 5171 - Bulk Stations and Terminals - Wholesale

The facility is a petroleum liquids storage and distribution terminal. The terminal receives gasoline diesel fuel, and aviation jet kerosene via common carrier pipeline. The fuels are divided into nine (9) above ground storage tanks - six for gasoline, one for diesel fuel and two for aviation jet fuel. The terminal also receives additives via tanker truck. The gasoline, diesel, and gasoline additives are pumped to a five lane loading rack equipped with 35 total risers to load trailer tank trucks. The aviation jet fuel is pumped via pipeline directly to Dulles airport.

II. Emissions Unit Requirements

A. Significant Emissions Units

Emission Unit No.	Emission Unit Description	Material Handled	Capacity (gal)
Tank 30803	Vertical Fixed Roof with IFR Tank	*Gasoline (RVP 13.5 max.)	1,151,656
Tank 30804	Vertical Fixed Roof with IFR Tank	*Gasoline (RVP 13.5 max.)	1,153,404
Tank 30805	Vertical Fixed Roof with IFR Tank	*Gasoline (RVP 13.5 max.)	1,043,574
Tank 30806	Vertical Fixed Roof with IFR Tank	*Gasoline (RVP 13.5 max.)	1,043,574
Tank 30807	Vertical Fixed Roof with IFR Tank	*Gasoline (RVP 13.5 max.)	2,347,464
Tank 30808	Vertical Fixed Roof with IFR Tank	*Gasoline (RVP 13.5 max.)	2,347,464
Loading Rack	5 Lanes, as follows: Lanes 1 & 2 dispense gasoline Lane 3 dispenses either gasoline or distillate Lanes 4 & 5 dispense distillate	Gasoline Distillate	180,000 gal/hr

* These tanks can store either gasoline or distillate.
Emissions are being considered for gasoline, only.

B. Pollution Control Equipment

Emission Unit No.	Stack No.	Control Equipment Description	Manufacturer	Pollutant Controlled
Loading Rack/ VRU	-	VRU – Dual Cooling/Condensing	Edwards Engineering	VOC
30803	-	Internal Floating Roof	-	VOC
30804	-	Internal Floating Roof	-	VOC
30805	-	Internal Floating Roof	-	VOC
30806	-	Internal Floating Roof	-	VOC
30807	-	Internal Floating Roof	-	VOC
30808	-	Internal Floating Roof	-	VOC

Note: Motiva Enterprises shares the VRU, an Edwards Engineering Mod. 3000, with Old Dominion Terminal L.L.C. and Citgo Petroleum Corp. The VRU is operated by Citgo Petroleum Corp.

C. Insignificant Emission Units

Emission Unit No. (Tank)	Emission Unit Description	Citation for Listing as Insignificant	Pollutant Emitted (5-80-720 B.)	Capacity (5-80-720 C.)
30801	Avjet	5-80-720	VOC	1,805,580 gal
30802	Avjet	5-80-720	VOC	1,805,580 gal
31536	Low Sulfur Diesel Fuel Oil	5-80-720	VOC	2,819,880 gal
A106	Oil Water Separator	5-80-720	VOC	1974 gal
A107	Oil Water Separator	5-80-720	VOC	1974 gal
6813	System 3 additive	5-80-720	VOC	10,000 gal
6811	Red Dye Additive	5-80-720	VOC	275 gal
31867	Petroleum Products (Reclaim Tank)	5-80-720	VOC	3,990 gal
6810	Premium Diesel Additive	5-80-720	VOC	550 gal
6812	General Additives	5-80-720	VOC	1,000 gal
-	Facility Fugitive Equipment Leaks	5-80-720	VOC	-

The insignificant emissions units above are listed for clarification.

D. Emissions Summary

1. Criteria Pollutant

The only significant emissions from this source are volatile organic compounds (VOCs), some of the VOCs are also hazardous air pollutants (HAP).

2. Volatile Organic Compounds and Hazardous Air Pollutant Emissions (VOC & HAP)

Pollutants	Total Tanks TPY	Loading Racks & VRU TPY	Equipment Fugitives TPY	Facility Total TPY
VOCs	10.849	57.566	0.644	**69.059**
Hazardous Air Pollutants (HAPs)*	1.3443	8.599	0.147	**10.097**
Isooctane	113.38	0.397	0.02	**0.49**
Benzene	28.21	2.60	0.18	**3.38**
Ethly Benzene	0.0187	0.0559	0.0088	**0.0834**
n-Hexane	0.1163	0.7476	0.0083	**0.8722**
Toluene	0.1169	0.6024	0.0329	**0.7522**
Xylenes (Mixed Isomers)	0.0610	0.2530	0.0428	**0.3569**
MTBE	0.9414	6.3524	0.0444	**7.3383**

- Included in VOC emissions
  The HAPs listed are the ones most likely to be emitted. Other HAPs may, however, be emitted in very small amounts.

Note: Gasoline tank emissions, Loading rack/VRU, and LR- fugitives assume highest MTBE concentration.
Distillate emissions assume worst-case compositions.
All emissions are based on gasoline throughput of 500,000,000 gallons/yr.

E. Emission Unit Permit Terms

1. Emission Unit - Tanks (with internal floating roofs)

a. Limitations

(1.) Tanks storing volatile organic compounds (VOCs) shall achieve a 90% reduction in emissions. Storage of petroleum products with a true vapor pressure greater than 1.5 psia shall achieve this reduction by installing an internal floating roof with a seal system according to 9 VAC 5-40-5230. A. Tanks must be painted white, light pastel or light metallic. The coating must be in good condition (9 VAC 5-40-5220. A.1., 2., and 3., and 9 VAC 5-40-5230. A. 4)

b. Monitoring

(1.) Tanks with internal floating roofs shall be visually inspected annually through

available roof hatches and manholes located on the fixed roof of the tank the internal floating roof, primary seal, and, as appropriate, the secondary seal. If the inspection reveals that the internal floating roof is not resting on the surface of the petroleum product inside the tank, or there is liquid accumulated on the roof, or the seal is detached, or there are holes or tears in the seal material, the owner/operator shall repair the items or empty and remove the tank from service within 45 days. If a failure that is detected during the inspections required by this condition cannot be repaired within 45 days, or if the tank cannot be emptied within 45 days in order to make repair, a 30 day extension may be requested from the Air Compliance Manager, Northern Virginia Regional Office. An extension request must be made in writing and certify that alternate storage capacity is unavailable and establish a schedule for completing the necessary repairs. (9 VAC 5-40-5220. A. 4.a, and Condition 10 of the current Stationary Source Permit dated December 13, 1994 as amended April 2, 1998))

(2.) An inspection shall be made of the internal floating roof, the primary seal, the secondary seal (if one is in service), gaskets, slotted membranes and sleeve seals (if any) of each tank each time the tank is emptied and degassed. If the internal floating roof has defects, the primary seal has holes, tears or other openings in the seal or the seal fabric, or the secondary seal has holes, tears, or other openings in the seal or seal fabric, or the gaskets no longer close off the liquid surfaces from the atmosphere, or the slotted membrane has more than 10 percent open area, Motiva Enterprises LLC shall repair the items as necessary so that none of the anomalies specified herein shall exist when the tank is refilled. This inspection should occur when the tank is taken out of service for maintenance, an emergency or similar purpose but in no case shall this inspection occur at an interval greater than 10 years. (9 VAC 5-40-5220. A. 4. a and b and Condition 9 of th current Stationary Source Permit dated December 13, 1994 as amended April 2, 1998)

c. Recordkeeping

(1.) A copy of each inspection for each tank shall be kept on site and the contents of these reports shall contain at a minimum the condition of each item of inspection, all measurements taken, particularly the seal gap measurements, and specific details of each repair made with the date and signature of the person making the repair. (9 VAC 5-40-5220. A. 4.c, 9 VAC 5-40-5310, 9 VAC 5-80-110. F and Condition 11 of the Stationary Source Permit dated December 13, 1994)

(2.) A record shall be kept of the throughput of each tank which shall include the throughput quantities, and the types of petroleum liquid stored, the average monthly storage temperature, and the true vapor pressure of the liquid stored. (9 VAC 5-40-5220. A. 4. c., and 9 VAC 5-80-110. F)

d. Reporting

(1.) Motiva Enterprises LLC shall notify the Air Compliance Manager, Northern Virginia Regional Office at least 30 days prior to the filling or refilling of each storage vessel for which an inspection is required. In the event it is impossible, by reason of extenuating circumstances, a 30 day notice cannot be made, the Air Compliance Manager, Northern Virginia Regional Office shall be notified by telephone at least 7 days prior to the filling/refilling of the storage vessel. Notification shall be made immediately following the telephone call by a written document explaining why an inspection was unplanned. (9 VAC 5-80-110. F and Condition 9 of the Stationary Source Permit dated December 13, 1994 as amended April 2, 1998))

2. Emission Unit - Loading Rack and Vapor Recovery

a. Limitation

(1.) Emissions of VOCs from the loading rack shall be reduced by 90%. Such reductions are made by the installation and use of a vapor recovery unit (VRU). (40 CFR 60.502(b), 9 VAC 5-40-5220. C, and 9 VAC 5-80-110. B)

(2.) No owner or other person shall cause or permit the discharge into the atmosphere from a bulk gasoline terminal (including any appurtenant equipment necessary to load the tank truck compartments) any volatile organic compound in excess of 0.67 pounds per 1,000 gallons of gasoline loaded. (9 VAC 5-40-5220. C. 1)

(3.) The VOC fugitive emissions from the loading rack shall be determined by throughputs and the established value of 8 mg/l of gasoline loaded as reflected in EPA 450/2-78-051. These emissions shall be calculated annually for emission inventory and fee purposes. (40 CFR 60.502(b) and (9 VAC 5-80-110 A. 3)

(4.) The total organic compound (TOC) emissions from the VRU shall not exceed 10 milligrams per liter (mg/l) of gasoline loaded. (9 VAC 5-80-100 A, and Condition 7 of the Stationary Source Permit dated December 13, 1994, as amended April 2, 1998)

(5.) The vapor collection system shall be designed to prevent any total organic compound vapors collected at one loading rack from passing to another rack. (40 CFR 60.502(d))

(6.) Tanker trucks shall be filled by either top-submerged, or bottom fill in conjunction with a vapor control system. An equivalent system may be employed with prior approval by the Board. (9 VAC 5-80-100 A)

(7.) Pressure relief valves on storage containers and tank trucks should be set to release at no less than 0.7 psi or the highest possible pressure, in accordance with the following National Fire Prevention Association Standards: NFPA 385, Standard for Tank Vehicles for Flammable and Combustible Liquids; NFPA 30, Flammable and Combustible Liquids Code; NFPA 30A, Automotive and Marine Service Station Code. (9 VAC 5-40-5220 C. 2. b)

(8.) Pressure in the vapor collection lines should not exceed tanker truck pressure relief valve settings. (9 VAC 5-40-5220 C. 2. c)

(9.) All vapor lines should be equipped with fittings which make tight connections and which close when disconnected. (9 VAC 5-40-5220 C. 2. d)

b. Testing

(1.) Each calendar month the loading rack and the vapor recovery system shall be inspected for total organic compound liquid and vapor leaks. The inspection shall take place during loading of gasoline tank trucks. The acceptable method for inspection/detection shall be sight, smell or sound. (40 CFR 60.502(j))

(2.) When required, the VRU shall be stack tested to demonstrate maximum TOC emissions through the unit do not exceed 10 mg/l loaded. The following test methods and procedures and 40 CFR 60, Appendix A and Subpart XX shall be used.

(a) Method-27 Determination of Vapor Tightness of Gasoline Delivery Tanks Using Pressure-Vacuum Test
(b) Method 25-Determination of Total Gaseous Nonmethane Organic Emissions as Carbon
(c) Method 21-Determination of Volatile Organic Compound Leaks
(d) Method 18-Measurement of Gaseous Organic Compound Emissions by Gas Chromatography
(e) Method 2A-Direct Measurement of Gas Volume Through Pipes and Small Ducts

(40 CFR 60.502(b), 60.503(a)-(c), and 9 VAC 5-40-5290)

c. Monitoring

(1.) Volatile organic compound and total organic compound emissions through the vapor recovery unit (VRU) must be monitored by either a flame ionization detector (FID) or a photoionization detector (PID). The control equipment sensor shall be located in the outlet duct or stack, and the frequency of testing shall be hourly, testing may be performed manually, or it may be continuous on a chart, or by data acquisition. The sensor shall measure total organic compounds (TOC) rather than individual organic compounds. The equipment used shall be operated according to the manufacturers instructions. (9 VAC 5-80-110 B)

(2.) The monitoring device shall be certified for accuracy annually at a minimum. (9 VAC 5-80-100 B.5)

d. Recordkeeping

(1.) Each leak found during the leak-check shall be logged in a book dedicated for that purpose and the leak shall be repaired within 15 days after it is found. When a leak cannot be repaired within 15 days the Air Compliance Manager, Northern Virginia Regional Office shall be notified. The notification shall state the circumstances of the leak and the reason repair cannot be made within the prescribed 15 day time frame. A schedule for the repair must accompany the notification. This logbook shall be kept on site and available for inspection for a period of five (5) years. (40 CFR 60.502(j), 60.505(c), and 9 VAC 5-80-110. F)

(2.) Motiva Enterprises LLC shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the Air Compliance Manager, Northern Virginia Regional Office. These records shall include, but are not limited to:

(a) The annual throughput of gasoline at the rack, calculated monthly as the sum of each continuous 12 month period,
(b) Throughput of distillate at the rack, calculated for each product as the sum of each continuous 12 month period,
(c) Temperature at the VRU inlet,
(d) Leak test inspection reports,
(e) Records of malfunctions of equipment which would cause a violation of any part of this permit,
(f) Inspections, maintenance schedules, and service records for all air pollution-related equipment.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years. (40 CFR 60.502(j), 60.505? and 9 VAC 5-80-110. F)

e. Reporting

Performance tests, when required as in Condition II. E. 2. b. (2) shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30 and 9 VAC 5-60-30, and the test methods and procedures contained in each applicable section or subpart listed in 9 VAC 5-50-410 and 9 VAC 5-60-70. The details of the tests are to be arranged with the Air Compliance Manager, Northern Virginia Regional Office. Motiva Enterprises LLC shall submit a test protocol at least thirty (30) days prior to testing. Three copies of the test results shall be submitted to the Air Compliance Manager, Northern Virginia Regional Office within 45 days after test completion. Results of the Subpart XX tests along with average values for the monitored parameters, averaged

at least every 15 minutes over the length of the performance test, shall also be submitted to:

U. S. EPA Region III
Air Protection Division (3AP00)
ATTN: NSPS-40 CFR Part 60 Subpart XX Coordinator
1650 Arch Street
Philadelphia, PA 19103-2029

Monitoring records for vapor/leak inspections and the emissions records for the VRU shall be submitted semi-annually as stated in Condition III. B. 4. c.
(9 VAC 5-80-110. E. and F, and 40 CFR 60.505(c))

3. Emission Unit - Fixed Roof Tanks (without internal floating roofs)

Tanks 30801 and 30802 are used for storage of Jet Kerosene, Tank 31536 is used to store low sulfur Diesel Fuel, Tanks 6810, 6811, 6816812, and 6813 contain additives which conform with 9 VAC 5-40-5230. C. They are not equipped with internal floating roofs and shall not be used for the storage of gasoline. (9 VAC 5-40-5200. C and 9 VAC 5-40-5230. B)

4. Tanker Truck Certification (Vapor Tightness)

a. Limitations and Requirements

(1.) Loading of liquid product into gasoline tank trucks shall be limited to vapor-tight gasoline tank trucks as follows:

(a) The terminal owner or operator shall obtain the vapor tightness documentation, described below, for each gasoline tank truck which is to be loaded at the facility.

(b) The terminal owner or operator shall require the tank identification number to be recorded as each gasoline tank truck is loaded.

(c) The terminal owner or operator shall cross-check each tank identification number obtained during item (b) above to assure vapor tightness documentation <u>within two weeks after the tank is loaded.</u>

(d) The terminal owner or operator shall notify the owner or operator of each nonvapor-tight gasoline tank truck loaded at the facility <u>within three weeks after the loading has occurred.</u>

(e) The terminal owner or operator shall take steps assuring that the nonvapor-tight gasoline tank truck will not be reloaded at the facility until vapor tightness documentation for that tank is obtained.

(f) Alternative procedures to those described in (a) through (e) only with prior approval from DEQ and EPA.

(40 CFR 60.502(e)(3)-(5); 40 CFR 60.502(f)-(l); and 40 CFR 60.505(a))

b. Recordkeeping

(1.) Tanker truck vapor tightness documentation shall be kept on file at the terminal in a permanent form available for inspection. This documentation file for each gasoline tank truck shall be updated at least once per year to reflect the current test results as determined by Method 27 of 40 CFR 60 Appendix A and Subpart XX. This record shall include at a minimum the following information:

(a) Test title: Gasoline Delivery Tank Pressure Test - EPA Reference Method 27.
(b) Tank owner and address
(c) Tank identification number.
(d) Testing location.
(e) Date of test.
(f) Tester name and signature.
(g) Witnessing inspector, if any - Name, signature and affiliation.
(h) Test results - Actual pressure change in five (5) minutes, mm of water (average for two (2) runs).

(40 CFR 60.505(a),(b) and 9 VAC 5-80-110 F. 1. b)(40 CFR 60.505(a),(b) and 9 VAC 5-80-110 F. 1. b)

(2.) Records shall be kept on site for the most recent five years of all monthly leak-check Inspections per Condition II. E. 2. b. (1). (9 VAC 5-80-110. F. 1. b)

(3.) Records shall be kept of all replacements or additions to the vapor control system. (40 CFR 60.505(a), (b), and (f) ; 9 VAC 5-80-110. F.1. b)

III Facility-wide and General Requirements

A. Permit Terms

1. Throughput Limits

a. The annual throughput of gasoline shall not exceed 500,000,000 gallons, calculated monthly as the sum of each consecutive 12 month period.. (9 VAC 5-50-260, 9 VAC 5-80-110. B, and a stationary source permit condition)

b. Hazardous air pollutant (HAP) are those compounds listed in Title III of the Clean Air act Amendments ot 1990. HAP emissions most likely to be emitted are those listed in Condition II. D. 2. The emission of these compounds shall be less than 10 tons/yr for

any single HAP and less than 25 tons/yr for total HAP. The determination shall be calculated annually as the sum of each consecutive 12 month period. (9 VAC 5-80-100 A)

c. Emissions from the tanks shall be estimated by the throughput of the tanks and the current version of the EPA TANKS model or an acceptable alternative. Such results are for emission inventory purposes. Acceptability of an alternative method for emissions determination shall be mutually determined by EPA and DEQ. (9 VAC 5-80-100 B. 5, 9 VAC 5-80-110 A. 3, and 9 VAC 5-80-110 B. 1)

d. A copy of the throughput record for each tank emission shall be kept on site for emission inventory and inspection purposes. Such records shall be available on site, be current within 30 days of the data gathering and retained on site for at least five (5) years. (9 VAC 5-80-110. F)

2. Facility Vapor Tightness

An inspection of the facility other than the loading rack at Condition **II. E.** 2. b. (1) shall be conducted monthly on each valve, pump, open-ended valve or line, pressure relief device, sampling connection system, flange or other connector in the gasoline liquid transfer or vapor collection system. Results of this inspection shall be recorded in a log book which shall be kept at the facility being inspected. (9 VAC 5-40-5290)

3. Opacity

No owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any visible emissions which exhibit greater than 20% opacity, except for one six minute period in any one hour of not more than 30% opacity. Failure to meet the requirements of this section because of the presence of water vapor shall not be a violation of this section. (9 VAC 5-50-80)

4. Fugitive Dust

During the construction, modification, or operation phase of a stationary source or any other building, structure, facility, or installation no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed altered , altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. (9 VAC 5-50-90)

B. General Permit Conditions

1. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as state-only

enforceable. (9 VAC 5-80-110. N)

2. Permit Expiration

This permit shall become invalid five years from the date of issuance. The permittee shall submit an application for renewal of this permit no earlier than 18 months and no later than six months prior to the date of expiration of this permit. Upon receipt of a complete and timely application for renewal, this source may continue to operate subject to final action by the DEQ on the renewal application. (9 VAC 5-80-170. B)

3. Annual Compliance Certification

Exclusive of any other reporting required to assure compliance with the terms and conditions of this permit or as a part of a schedule of compliance contained in this permit, the permittee shall submit to Compliance Manager, Northern Virginia Regional Office and to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Notice must be sent no later than **MARCH 1** each calendar year, a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114 (a)(3) and §504 (b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

a. The time period included in the certification. The time period to be addressed is January 1 to December 31.

b. A description of the means for assessing or monitoring the compliance of the facility with its emission limitations, standards and work practices.

c. The identification of each term or condition of the permit that is the basis of the certification.

d. The compliance status.

e. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.

f. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the facility at the time of certification and over the reporting period.

g. Such other facts as the permit may require to determine the compliance status of the facility

(9 VAC 5-80-110 K.5).

4. Recordkeeping and Reporting

a. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:

(1) The date, place as defined in the permit, and time of sampling or measurements.

(2) The date(s) analyses were performed.

(3) The company or entity that performed the analyses.

(4) The analytical techniques or methods used.

(5) The results of such analyses.

(6) The operating conditions existing at the time of sampling or measurement.

b. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

c. All reports submitted as a result of monitoring contained in any applicable requirement must be submitted at a frequency of no less than every six months, on **March 1 and September 1** of each calendar year. All deviations from permit requirements must be clearly identified in any report required by any condition of this permit. For purposes of this permit a deviation means any condition determined by observation, data from any monitoring protocol or any other monitoring which is required by the permit that can be used to determine compliance. Deviations include accidents documented by continuous emission monitoring or excursions from control performance indicators documented through periodic or compliance assurance monitoring. A responsible official must certify all monitoring reports submitted as required by this permit consistent with 9 VAC 5-80-80 G.

(9 VAC 5-80-110 F)

5. Permit Deviation Reporting

The permittee shall report by the next business day any deviations from permit requirements or any excess emissions, including those attributable to upset conditions as defined in this permit, the probable cause of such deviations, and any corrective actions or

preventive measures taken. (9 VAC 5-80-110 F.2)

6. Duty to Submit Information

The permittee shall furnish to the board, within a reasonable time:

a. Any information that the board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish copies of records required to be kept by the permittee, and for information claimed to be confidential, the permittee shall furnish such records to the board along with a claim of confidentiality.

b. Any document (including reports) required in a permit condition to be submitted to the board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.

(9 VAC 5-80-110 G.6 and 9 VAC 5-80-110 K.1)

7. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit. (9 VAC 5-80-80 E)

8. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit non-compliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. (9 VAC 5-80-110 G.2)

9. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit. (9 VAC 5-80-110 G.1)

10. Permit Action for Cause

This permit may be modified, revoked, reopened, and reissued, or terminated for cause as specified in 9 VAC 5-80-110 L, 9 VAC 5-80-240 and 9 VAC 5-80-260. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. (9 VAC 5-80-110 G.4)

11. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. (9 VAC 5-80-110 G.3)

12. Reopening For Cause

This permit shall be reopened by the board if additional federal requirements become applicable to a major source with a remaining permit term of three or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

a. This permit shall be reopened if the board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

b. This permit shall be reopened if the administrator or the board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

c. This permit shall not be reopened by the board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

13. Startup, Shutdown and Malfunction

At all times, including periods of startup, shutdown, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the board, which may include, but is not limited to, monitoring results, review of operating and maintenance procedures, and inspection. (9 VAC 5-50-20)

14. Failure/Malfunction Reporting

If, for any reason, the affected facilities or related air pollution control equipment fails or malfunctions and may cause excess emissions for more than one hour, the owner shall notify the Air Compliance Manager, Northern Virginia Regional Office within four (4) daytime business hours of the occurrence. In addition, the owner shall provide a written statement, within 14 days, explaining the problem, corrective action taken, and the estimated duration of the breakdown/shut down. (9 VAC 5-80-250 B.4)

15. Malfunction as an Affirmative Defense

A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:

a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.

b. The permitted facility was at the time being properly operated.

c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.

d. For malfunctions that occurred for one hour or more, the permittee submitted to the Board by the deadlines described in Condition Part B.2, " Malfunction/Failure Reporting" above, a notice and written statement containing a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notice fulfills the requirement of 9 VAC 5-80-110 F 2 b to report promptly deviations from permit requirements.

In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source. (9 VAC 5-80-250)

16. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-305 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-355(Rule 8-6 of the Regulations)
(9 VAC 5-80-110 H)

17. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility

a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5-80-50. (9 VAC 5-80-110. J)

18. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

a. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.

b. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.

c. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.

d. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

19. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.

(9 VAC 5-80-110 G.5)

20. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request. (9 VAC 5-80-150 E)

21. Transfer of Permits

No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.

a. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.

b. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.

(9 VAC 5-80-160)

22. Permit Revocation or Termination for Cause

This permit may be revoked or terminated prior to its expiration date, if the owner knowingly makes material misstatements in the permit application, or any amendments thereto, or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of this article. The board may suspend, under such conditions and for such period of time as the board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations. (9 VAC 5-80-260)

23. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined under 49, CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68. (40 CFR Part 68)

24. Fugitive Dust

During the operation of a stationary source or any other building, structure, facility or installation no owner or other person shall cause or permit any material or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to the following:

a. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;

b. Application of asphalt, oil, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;

c. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials. Adequate containment methods shall be employed during sandblasting or other similar operations;

d. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and

e. The prompt removal of spilled or tracked dirt or other material from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-50-50)

25. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgates under or established by Title VI (Stratospheric Ozone Protection) of the Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.

26. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

a. All terms and conditions required under 9 VAC 5-80-110 except subsection N shall be included to determine compliance.

b. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.

c. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110. I)

27. Changes to Permits for Emissions Trading

No permit revision shall be required, under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit. (9 VAC 5-80-110.I)

28. Permanent Shutdown for Emissions Trading

The shutdown of an emissions unit is not creditable for purposes of emissions trading or exempt under 9 VAC 5-80-50 C 4 unless a decision concerning shutdown has been made pursuant to the pertinent provisions of 9 VAC 5-80-180 C through D.

29. State Only Requirements

The only applicable requirement which is “state only” is that for odor. (9 VAC 5-40-130)

C. Permit Shield

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions of this permit. Nothing in this permit shield shall alter the provisions of § 303 of the Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the (i) administrator pursuant to § 114 of the Clean Air Act, (ii) the Board pursuant to § 10.1-1314 or § 10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department of Environmental Quality pursuant to § 10.1-1307.3 of the Virginia Air Pollution Control Law.

D. Non-applicable Requirements

The following requirements have been explicitly deemed to be not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
9 VAC 5-40-3410 through -3550	Emission Standards for VOC Storage and Transfer Operations	Article 25 does not apply - Provisions under petroleum storage or transfer apply
40 CFR 60. Subparts K, Ka, & Kb	Standard of Performance for Petroleum Liquid Storage Vessels	**K** = Const. Reconst. or Mod. after 6/11/73. and before May 19, 1978; **Ka** = Const. Reconst. or Mod. after 5/ 18/ 1978 and before 7/23/84; **Kb** = Const. Reconst. or Mod. After 7/23/84.

. (9 VAC 5-80-140)

Nothing in this permit shield shall alter the provisions of § 303 of the Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements.